

AUG 17 2007

JOHN F. CORCORAN, CLERK
BY: *S. Craft*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHNNY F. GODFREY,)
Plaintiff,) Civil Action No. 7:06-cv-00187
)

v.) ORDER
)

WASHINGTON COUNTY, VIRGINIA,)
SHERIFF, et al.,) By: Hon. James C. Turk
Defendants.) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. The motions to dismiss (Dkt. No. 53 & 67) filed by Defendants Evans and Huff are hereby **GRANTED** and the motion for summary judgment (Dkt. No. 71) by Defendant Newman as Washington County Sheriff¹ is **GRANTED IN PART**, as to plaintiff's claims under 42 U.S.C. § 1983 alleging deprivation of access to courts and inadequate medical treatment; all possible, related claims under state law are hereby **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1367(c);²
2. The motion for summary judgment (Dkt. No. 84) by Defendants Cullop and Malone is hereby **GRANTED**;
3. The motion to dismiss (Dkt. No. 62) by Defendant Newman as Washington County Sheriff is hereby **DENIED** and his motion for summary judgment (Dkt. No. 71) is hereby **DENIED IN PART**, as to plaintiff's claim that he was transported from North Carolina to Virginia without proper extradition proceedings; Newman is granted twenty (20) days from entry of this order in which to submit an answer and any supplemental motion for summary judgment;
4. Plaintiff's complaint is hereby **AMENDED**, without objection from the defendants, to name Deputy William T. Slemp and Deputy Stephen G. Reed as defendants to plaintiff's

¹The clerk shall change the court's docket to indicate that Sheriff of Washington County and Fred Newman are the same person.

²Because the court has dismissed all constitutional claims, the court declines to exercise supplemental jurisdiction over any related state law claims, such as claims related to medical malpractice. 28 U.S.C. § 1367(c).

claim that he was wrongfully transported on March 16, 2006, from North Carolina to Virginia without proper extradition proceedings, and the clerk **SHALL** attempt service of process on these newly identified defendants by mailing notice of waiver of service of summons and appropriate paperwork to each defendant at the Washington County, Virginia, Sheriff's Office. Service paperwork shall include true copies of the following docket numbers: 1, 2, 5, 6, 11, and 12;

5. All attempted claims under 42 U.S.C. § 1983, with the exception of the three claims recognized and herein addressed by the court in this action,³ are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1); and
6. The clerk shall terminate from this action the following defendants: Tim Evans, Nurse Huff, unknown transport officers, and unknown SWVRJA medical directors, B. R. Malone, and Susan Cullop, as all claims against these defendants have been dismissed.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to plaintiff and to counsel of record for the defendants.

ENTER: This 17th day of August, 2007.



Senior United States District Judge

³The three § 1983 claims recognized by the court in this action are, in brief, improper extradition, deprivation of medical treatment, and denial of access to courts.